

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MELVIN LYNN HUBER,

Plaintiff,

vs.

CASE NO. 07-14588
HON. LAWRENCE P. ZATKOFF

COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

**OPINION AND ORDER ADOPTING MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff filed the instant action seeking Social Security disability insurance benefits. This matter is currently before the Court on Magistrate Judge R. Steven Whalen's Report and Recommendation of November 19, 2008, wherein the Magistrate Judge recommends that Plaintiff's Motion for Summary Judgment be granted, Defendant's Motion for Summary Judgment be denied, and that the case be remanded to Defendant (1) for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g), and (2) to consider the new material presented by Plaintiff to the Appeals Council and this Court, as set forth in the Report and Recommendation. Neither party filed any objections to the Report and Recommendation.

After a thorough review of the court file, the parties' respective motions and the Report and Recommendation, this Court will adopt the Report and Recommendation and enter it as the findings and conclusions of this Court. Therefore, IT IS HEREBY ORDERED that Defendant's Motion for Summary Judgment is DENIED, and Plaintiff's Motion for Summary Judgment is GRANTED. In addition, the Court hereby REMANDS this matter to Defendant (1) for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g), and (2) to consider the new material presented by Plaintiff to the Appeals Council and this Court, as set forth in the Report and Recommendation.

IT IS SO ORDERED.

Dated: January 15, 2009

s/Lawrence P. Zatkoff
LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE